

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GARDNER ET AL. Examiner: UNKNOWN  
Serial No.: 10/661,912 Group Art Unit: UNKNOWN  
Filed: September 12, 2003 Docket: 163.1324US11  
Title: WATER-BASED PEST BAIT COMPOSITIONS HAVING A WATER-SENSITIVE  
INSECTICIDES AND METHODS OF MAKING AND USE THEREOF

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 12, 2003.

By: Johanna Juris  
Name: Johanna Juris

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 49 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: John L. Haack  
Name: John L. Haack  
Reg. No.: 36,154  
JLH



Serial No. 10/661912

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GARDNER ET AL. Examiner: UNKNOWN  
Serial No.: 10/661912 Group Art Unit: UNKNOWN  
Filed: September 12, 2003 Docket No.: 163.1324US11  
Title: WATER-BASED PEST BAIT COMPOSITIONS HAVING A WATER-SENSITIVE INSECTICIDES AND METHODS OF MAKING AND USE THEREOF

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2003.

By: 

Name: Johanna Juris

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/115,459 filed on April 2, 2002, U.S. Serial No. 09/870,098 filed on May 30, 2001 and U.S. Serial No. 09/404,985 filed September 22, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

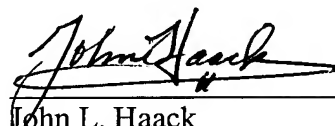
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.


Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5600

Date: Nov. 10, 2003



John L. Haack  
Reg. No. 36,154  
JLH:jjb

<b>FORM 1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 163.1324US11	Application Number: 10/661912
	Applicant: GARDNER ET AL.	
	Filing Date: September 12, 2003	Group Art Unit:

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,168,591	09/25/1979	Shaw			
	4,514,960	05/07/1985	Sears			
	4,834,977	05/30/1989	Kohama et al.			
	4,845,103	07/04/1989	Spaulding et al.			
	4,945,107	07/31/1990	Minetti			
	4,985,413	01/15/1991	Kohama et al.			
	4,988,511	01/29/1991	Demetre			
	4,990,514	02/05/1991	Bruey			
	5,021,237	06/04/1991	Bruey			
	5,126,139	06/30/1992	Geary			
	5,152,096	10/06/1992	Rudolph			
	5,300,293	04/05/1994	Minagawa et al.			
	5,464,613	11/07/1995	Barcay et al.			
	5,484,587	01/16/1996	Branly et al.			
	5,547,955	08/20/1996	Silverman et al.			
	5,607,682	03/04/1997	Wolfe et al.			
	5,676,961	10/14/1997	Wolfe et al.			
	5,698,540	12/16/1997	Katayama et al.			
	5,820,855	10/13/1998	Barcay et al.			
	5,850,707	12/22/1998	Fell et al.			
	5,874,029	02/23/1999	Subramaniam et al.			
	5,904,936	05/18/1999	Huille et al.			
	5,906,983	05/25/1999	Silverman et al.			
	5,914,105	06/22/1999	Barcay et al.			
	5,925,670	07/20/1999	Silverman et al.			
	5,928,634	07/27/1999	Uick et al.			
	5,953,854	09/21/1999	Hyatt			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 163.1324US11	Application Number: 10/661912
	Applicant: GARDNER ET AL.	
	Filing Date: September 12, 2003	Group Art Unit:

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,968,540	10/19/1999	Brenner et al.				
	5,983,557	11/16/1999	Perich et al.				
	6,133,199	10/17/2000	Soula et. al.				
	6,162,825	12/19/2000	Silverman et al.				
	6,216,384 B1	04/17/2001	Dickson et al.				
	6,428,814	08/06/2002	Bosch et al.				
	6,564,502	05/20/2003	Barcay et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	374505	01/15/1964	CH				X
	1155978A	08/06/1996	CN			X	
	0 212 225 A1	03/04/1987	EP				X
	0 558706 B1	08/06/1997	EP				
	2 309 145 A	11/26/1976	FR				X
	2 190 839 A	12/02/1987	GB				
	2 306 886 A	05/14/1997	GB				
	WO 91/07972	06/13/1991	PCT				
	WO 93/05651	04/01/1993	PCT				
	WO 95/24124	09/14/1995	PCT				

EXAMINER	DATE CONSIDERED
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	<b>Applicant:</b> GARDNER ET AL.	
	<b>Filing Date:</b> September 12, 2003	<b>Group Art Unit:</b>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Abstract, "Insect Killing Paste", <i>Shanghai Inst. of Entomology</i> , 1 pg. (August 1997).
		Appel, A. G., "Performance of Gel and Paste Bait Products for German Cockroach (Dictyoptera: Blattellidae) Control: Laboratory and Field Studies," <i>Entomological Society of America</i> , Vol. 85, No. 4, 10 pgs. (1992).
		Reiersen, D. A. et al., "Baits and Bait Technology," <i>Proceedings of the National Conference on Urban Entomology</i> , pp. 77-91 (1992).
		Material Safety Data Sheet, "MAXFORCE," 1 pg. (1963).
		Rust, M. K., "Managing Household Pests," in <i>Advances in Urban Pest Management</i> , pp. 335-368 (1986) Van Nostrand Reinhold Company Inc.

**23552**

PATENT TRADEMARK OFFICE

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